

BOARD OF PUBLIC WORKS & SAFETY
Thursday, September 5, 2013
8:30 A.M.

The Board of Public Works & Safety of the City of Huntingburg met in regular session on Thursday, September 5, 2013 at the hour of 8:30 A.M. in the Council Chambers of the Huntingburg City Hall with members Spinner and Cox present. Also present was City Attorney Schneider. Member Souders was absent.

Mayor Spinner called the meeting to order.

A motion was made by Cox, seconded by Spinner and carried to approve the minutes of the August 1, 2013 meeting.

A motion was made by Spinner, seconded by Cox and carried to approve the claims as presented.

Nick Stevens, Executive Director of Huntingburg Chamber of Commerce was present to request approval of the Haunted Huntingburg Special Event Permit Application for the event to be held on 4th Street on October 5, 2013 from 7:00 -10:00 P.M.

A motion was made by Spinner, seconded by Cox and carried to approve the Special Event Permit Application for Haunted Huntingburg as presented and the closing of 4th Street for the event.

Fire Chief Patberg presented his monthly report. He informed the Board that John Smith of the Huntingburg Fire Department has been appointed to the State Board of Firefighting Personnel Standards and Education by Governor Mike Pence.

Wastewater Superintendent Kemp presented his monthly report.

Police Chief Parks was absent. The Mayor presented his monthly report.

Street Superintendent Stamm presented his monthly report. He updated the Board on the 10th Street project.

Stamm informed the Board that the fall clean-up days are set for Thursday, October 3, 2013 through Saturday, October 5, 2013. He noted the prices for disposal will remain the same as the last clean-up.

Stamm requested permission to attend the IACT Annual Conference in Indianapolis, Indiana on October 6, 7, and 8.

A motion was made by Spinner, seconded by Cox and carried to approve Stamm's request to attend the IACT Annual Conference in Indianapolis, Indiana on October, 6, 7, and 8, 2013.

Code Enforcement Officer Collett presented his monthly report. He noted that he, the Mayor and Planning Director Hazlewood attended an IACT workshop on abandoned houses.

Attorney Schneider indicated that this was the time and day set for the hearing on the Code Enforcement Departments Order to Vacate and Demolish Building or Structure at 406 E. First Avenue in Huntingburg dated August 5, 2013 directed to the owner, Charles E. Mendel. The Mayor opened the hearing.

Schneider indicate that Mr. Mendel was served with the order and the notice of today's hearing. Schneider asked if Mr. Mendel was present or if anyone was present to speak for Mr. Mendel. Mr. Mendel was not present and no one was present to speak for Mr. Mendel.

Attorney Phillip Schneider indicated that he is the City Attorney representing the City's Code Enforcement Department and will be presenting the evidence. He indicated that Deputy Code Enforcement Officer Collett and Huntingburg Fire Chief Patberg would be testifying for the City. Clerk-Treasurer Dippel swore in Collett and Patberg as witnesses in the hearing.

Evidence supporting the Order issued on August 5, 2013 was presented by the Deputy City of Huntingburg Code Enforcement Officer, Steven Collett and City of Huntingburg Fire Chief Scott Patberg. An opportunity was permitted for evidence to be presented by or on behalf of the Respondent, Charles E. Mendel. Exhibits CE #1 through CE #9 were presented supporting the Order as presented.

After a thorough review of the evidence presented and of the Order issued on August 5, 2013, the Board of Public Works and Safety of the City of Huntingburg found the follows:

1. That the building and structure located at 406 E. First Avenue in Huntingburg, Indiana, is in an impaired structural condition that makes it unsafe to persons or property; is so deteriorated and dilapidated as to constitute a fire hazard and a public nuisance; is unsafe and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of state statutes or city ordinances; is a hazard to the public health; dangerous to persons or property because of violations of statutes or ordinances concerning building condition or maintenance; is or likely to become a harborage for rodents, vermin, and insects; is a blight on the neighborhood; constitutes a public nuisance; and because of such condition is an "unsafe building".

2. That the following is a list of items which contribute to the unsafe condition of the building and structure in violation of Chapter 152.07 of the Huntingburg Code of Civil Ordinances, to-wit:

- a.) uncontrolled growth of weeds and vegetation
- b.) dead and broken trees, tree limbs and shrubbery
- c.) accumulation of trash, garbage and rubbish in the structure and yard

- d.) structure not being maintained to prevent harborage of rodents and vermin
- e.) windows with broken and missing glass
- f.) Windows and doors not maintained in sound condition, weather tight, and good repair
- g.) missing and falling exterior siding and trim
- h.) masonry chimney not structurally sound, mortar missing from joints
- i.) masonry foundation walls missing mortar in joints
- j.) exterior surfaces, doors, and window frames not protected from elements and decay
- k.) missing and nonfunctioning gutters and downspouts
- l.) yard not properly graded to permit drainage away from the foundation
- m.) unsafe electric service panel – no clearance, not accessible
- n.) exposed electrical wiring throughout interior and exterior
- o.) Unsafe use of extension cords as permanent electrical wiring for kitchen and east bedroom
- p.) water damage to roof decking and framing rendering roof structurally unsound
- q.) water damage to kitchen ceiling, rendering it structurally unsound
- r.) water damaged floor joists and subflooring rendering flooring structurally unsound
- s.) attic not protected or sealed from access by rodents and vermin
- t.) crawl space has standing water and improper ventilation
- u.) Improper use of single wall woodstove flue through wall
- v.) No smoke detectors in bedroom areas
- w.) Washing machine drain not discharging into sanitary sewer
- y.) Washing machine connected with hose through exterior window

3. The condition of the premises provides potential harborage for rodents, vermin, and insects, and is therefore a public nuisance.

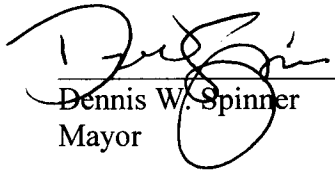
4. The general condition of the subject structure and the premises at 406 E. First Avenue is such that it is unsafe for human occupancy.

5. The general condition of the subject structure at 406 E. First Avenue, Huntingburg, Indiana warrants demolition and removal due to nuisance, blight, and unsafe condition.

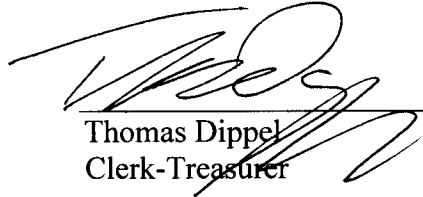
Attorney Schneider recommended giving Mendel another 30 days to comply with the Order to vacate and then another 30 days after that to have the property demolished.

A motion was made by Spinner, seconded by Cox and carried to affirm the findings in the Order to Vacate and Demolish Structure at 406 E. First Avenue referenced above and amend the final Order to require the property be vacated by October 5, 2013 and the property be demolished by November 5, 2013.

There being no further business to come before the Board, a motion to adjourn was made by Spinner, seconded by Cox and carried at 9:25 A.M.



Dennis W. Spinner
Mayor



Thomas Dippel
Clerk-Treasurer